

1 DEAN S. KRISTY (CSB NO. 157646)
2 dkristy@fenwick.com
3 JENNIFER C. BRETAN (CSB NO. 233475)
4 jbretan@fenwick.com
5 FENWICK & WEST LLP
6 555 California Street, 12th Floor
7 San Francisco, CA 94104
8 Telephone: (415) 875-2300
9 Facsimile: (415) 281-1350
10
11 Attorneys for Defendants Tesla, Inc.,
12 Elon R. Musk, and Deepak Ahuja

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 GREGORY WOCHOS, Individually and on
17 Behalf of All Others Similarly Situated,

18 Plaintiff,

19 v.

20 TESLA, INC., ELON R. MUSK, DEEPAK
21 AHUJA, and JASON WHEELER,

22 Defendants.

Case No.: 3:17-cv-05828-CRB

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE AND MODIFYING PAGE
LIMITS**

Judge: The Honorable Charles R. Breyer

Date Action Filed: October 10, 2017

1 WHEREAS, this action purports to assert claims under Sections 10(b) and 20(a) of the
2 Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder against Tesla, Inc. and
3 two of its individual officers (together, “Defendants”);

4 WHEREAS, on August 27, 2018, this Court issued an order dismissing the amended
5 complaint and ordering that any amended complaint be filed by September 28, 2018 (Dkt. No.
6 42);

7 WHEREAS, on September 28, 2018, Lead Plaintiff filed the Second Amended Complaint,
8 which is 81 pages long and contains 314 paragraphs (Dkt. No. 46);

9 WHEREAS, the parties have met and conferred and agreed on a briefing schedule in
10 connection with Defendants’ motion to dismiss the Second Amended Complaint;

11 WHEREAS, in light of the length of the Second Amended Complaint, the parties also
12 believe good cause exists to modify and increase the page limits set forth in this Court’s standing
13 order as follows: motion to dismiss and supporting memorandum (25 pages); opposition (25
14 pages); and reply (15 pages);

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the
16 approval of the Court, that:

- 17 1. Defendants shall move to dismiss or otherwise respond to the Second Amended
18 Complaint on or before November 20, 2018;
- 19 2. Lead Plaintiff shall file any opposition thereto on or before January 11, 2019;
- 20 3. Defendants’ reply shall be filed on or before February 15, 2019; and
- 21 4. Consistent with the limits set forth in Civil Local Rule 7-4(b), the page limits for
22 briefing the motion to dismiss shall be reset, as follows:
 - 23 • Motion to dismiss and supporting memorandum (25 pages);
 - 24 • Opposition (25 pages)
 - 25 • Reply (15 pages);
 - 26 • In accordance with the Court’s standing order, such limits shall be exclusive of
27 title pages, indexes of cases, table of contents, exhibits, affidavits, and summaries
28 of argument, if required.

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FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 Dated: October 1, 2018

FENWICK & WEST LLP

2 By: /s/ Jennifer C. Bretan

3 Jennifer C. Bretan, Esq.

4 555 California Street, 12th Floor

San Francisco, California 94104

5 Telephone: (415) 875-2300

6 Facsimile: (415) 281-1350

7 Attorneys for Defendants Tesla, Inc.,

Elon R. Musk, and Deepak Ahuja

8 Dated: October 1, 2018

THE ROSEN LAW FIRM, P.A.

9 By: /s/ Jacob A. Goldberg

10 Jacob A. Goldberg, Esq. (*Pro hac vice*)

Gonen Haklay

11 101 Greenwood Avenue, Suite 440

12 Jenkintown, PA 19046

13 Telephone: (215) 600-2817

Facsimile: (212) 202-3827

14 Laurence M. Rosen, Esq.

15 355 S. Grand Avenue, Suite 2450

Los Angeles, California 90071

16 Telephone: (213) 785-2610

Facsimile: (213) 226-4684

17 Attorneys for Lead Plaintiff Kurt Friedman

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19 Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in filing this stipulation.

20 Dated: October 1, 2018

By: /s/ Jennifer C. Bretan


21 Jennifer C. Bretan, Esq.

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23 ~~[PROPOSED]~~ ORDER

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25
26 Dated: October 3, 2018

27 
Hon. Charles R. Breyer
United States District Court Judge